

WOODARD, EMHARDT, NAUGHTON, MORIARTY & MCNETT

PATENT AND TRADEMARK ATTORNEYS

BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, INDIANA 46204-5137**FAX COVER SHEET****RECEIVED**

28 FEB 2002

Legal Staff
International DivisionNO. OF PAGES: COVER SHEET PLUS 12 PAGE(S)TO: Nguyen Ngoc-Ho, Paralegal Specialist PCT Legal Office703-308-6459

FAX TELEPHONE NO.: _____

FROM: John V. MoriartyDATE: February 28, 2002☐ **CONFIRMATION OF RECEIPT REQUESTED IF CHECKED.**☐ **WILL**☐ **BY MAIL** ☐ **BY COURIER****ORIGINAL COPY AND ANY ENCLOSURES****BE SENT**☒ **WILL NOT**

If problems occur during transmission, please contact us at one of the following:

VOICE PHONE number: **(317) 634-3456**PRIMARY FAX number: **(317) 637-7561**SECONDARY FAX number: **(317) 637-7587**

Sharp Model FO-3200 Fax uses fastest of CCITT Group 3 or 2 or Sharp EHS mode.

SPECIAL REMARKS:**CERTIFICATE OF FACSIMILE TRANSMISSION**I hereby certify that this paper for Reg. No. _____
(or) Serial No. 09/914,366 is being facsimile
transmitted to the Patent and Trademark Office Fax Number
(703) 308-6459 on the date shown below.John V. Moriarty

Type or Print Name

John V. Moriarty 2-28-02

Signature

Date

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JCD-8786-PCT:JVM:160087

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Via Facsimile: 703-308-6459

In re patent)	
application of:)	Before the Examiner
)	
Robert Kay)	
)	
Serial No. 09/914,366)	
)	Group Art Unit
Filed August 27, 2000)	
)	
NOVELTY ANIMATED DEVICE WITH)	
SYNCHRONISED AUDIO OUTPUT, AND))	
METHOD FOR ACHIEVING)	
SYNCHRONISED AUDIO OUTPUT)	
THEREIN)	February 28, 2002

PETITION UNDER 37 CFR 1.181

Assistant Commissioner for Patents
Washington, DC 20231

Attn: Nguyen Ngoc-Ho
Paralegal Specialist
PCT Legal Office

Sir:

Applicant for the above-identified application herewith petitions under 35 CFR 1.181 to consider applicant's Response to Notice of File Missing Parts dated January 2, 2002 which according to the U.S. Patent Office records was received but which cannot currently be found.

Applicant herewith states that the attached is a true and accurate copy of applicant's Response to Notice to File Missing Parts filed on January 2, 2002 along with the executed documents: (1) Declaration for Utility or Design Patent Application; (2) Copy of the Notification of Missing Requirements under 35 USC

371; (3) Check for the surcharge of \$65.00; and (4) Transmittal Form and Fee Transmittal.

Applicant notes that the subject enclosed response was certified by the undersigned on January 2, 2002 as being deposited with the United States Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 although the enclosed self-addressed stamped postcard was returned to the applicant with the Post Office receipt stamped dated January 30, 2002.

In addition, once the enclosed Response to Notice to File Missing Parts is considered, it is further petitioned that applicant's Petition to Make Special for new application under MPEP 708.02 VIII be considered. The Petition to Make Special was filed with the original filing of the application on August 27, 2000 although no action has been taken.

Respectfully submitted

By: John V. Moriarty
John V. Moriarty
Reg. No. 26,207
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456
jmoriarty@uspatent.com

I hereby certify that this paper is being
transmitted to the Patent and
Trademark office on the date shown below
John V. Moriarty
Print name of person signing certification
John V. Moriarty
Signature
2-28-02
Date

JCO-8786-PCT:JVM:152986

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/914 366
Filing Date	August 27, 2001
First Named Inventor	Robert Kay
Group Art Unit	
Examiner Name	
Total Number of Pages in this Submission	Attorney Docket Number 5600-2

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure (please identify below) <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Decl. For Utility or Design Pat. App. <input checked="" type="checkbox"/> Copy of Notification of Missing Requirements Under 35 USC 371 in the US Desig./Elected Office (DO/EO/US)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	John V. Moriarty WOODARD EMHARDT NAUGHTON MORIARTY & MCNETT
Signature	<i>John V. Moriarty</i>
Date	January 2, 2002

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on this date: January 2, 2002			
Typed or printed name	John V. Moriarty		
Signature	<i>John V. Moriarty</i>	Date	January 2, 2002

PCT Legal Office
 703-305
 10454 (FAX)

JCD-870G-PCT:JVM:132983

Approved for use through 10/31/2002. OMR 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number 09/914,366
 Filing Date August 27, 2001
 First Named Inventor Robert Kay
 Group Art Unit
 Examiner Name

Total Amount of Payment (S)65.00

Attorney Docket Number 5600-2

METHOD OF PAYMENT

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

23-3030

Deposit Account Name

Woodard, Emhardt, Naughton, Moriarty & McNett

☒

Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐

Applicant claims small entity status. See 37 CFR 1.27.

2. ☒

Payment Enclosed:

☒

Check

☐

Credit Card

☐

Money Order

☐

Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility Filing Fee	
106	330	206	165	Design Filing Fee	
107	510	207	255	Plant Filing Fee	
108	740	208	370	Reissue Filing Fee	
114	160	214	80	Provisional Filing Fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
-20** =		X	
Independent Claims -3** =		X	
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65

SUBMITTED BY

Name (Print/Type)

John V. Moriarty

Registration No.

26,207

(Attorney/Agent)

Telephone

(317) 634-3456

Signature

Date

January 2, 2002

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 202031.

ICD-8786-PCT:JVM:152901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Before the Examiner
)	
Robert Kay)	
)	
Serial No. 09/914,366)	
)	
Filed August 27, 2001)	Group Art Unit
)	
NOVELTY ANIMATED DEVICE WITH)	
SYNCHRONISED AUDIO OUTPUT AND)	
METHOD FOR ACHIEVING)	
SYNCHRONISED AUDIO OUTPUT)	
THEREIN)	January 2, 2002

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Copy of the Notification of Missing Requirements under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US);
- (3) Check for the surcharge of \$65.00; and
- (4) Transmittal Form and Fee Transmittal

It is believed the application is now in condition for examination and such action by the Examiner is respectfully requested.

Respectfully submitted

By: John V. Moriarty

John V. Moriarty

Reg. No. 26,207

Woodard, Emhardt, Naughton,

Moriarty & McNett

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on January 2, 2002.

John V. Moriarty

Name of Registered Representative

Signature

Date of Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/914,366	Robert kay	5600-2

INTERNATIONAL APPLICATION NO.

PCT/GB01/02146

I.A. FILING DATE	PRIORITY DATE
05/16/2001	05/24/2000

John V. Moriarty
Woodard Emhardt Naughton Moriarty & Mcnett
111 Monument Circle
Suite 3700
Indianapolis, IN 46204-5137

CONFIRMATION NO. 3751

371 FORMALITIES LETTER



OC000000007146235

Date Mailed: 12/06/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of the International Application
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

RECEIVED

DEC 14 2001

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/914,366	PCT/GB01/02146	5600-2

Type a Plus sign (+) inside this box →

JCD-8780-PCT:JVM:139583)

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☒ Declaration Submitted With Initial Filing
OR
☐ Declaration Submitted after Initial Filing (surcharge 37 CFR 1.16 (e) required)

Attorney Docket Number 5600-2

First Named Inventor Robert Kay

COMPLETE IF KNOWN

Application Number 09/914,366

Filing Date August 27, 2001

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NOVELTY ANIMATED DEVICE WITH SYNCHRONISED AUDIO OUTPUT, AND METHOD FOR ACHIEVING
SYNCHRONISED AUDIO OUTPUT THEREIN**

(Title of the invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

08/27/2001

as United States

Application Number 09/914,366

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim, as amended by any amendment specifically referred to above.

I acknowledge and hereby disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only if Priority Not Claimed	Certified Copy Attached?	
				YES	NO
GB01/02146	PCT				
0027719.4	GB	11/14/2000			
0027717.8	GB	11/14/2000			
0027656.8	GB	11/10/2000			
0018940.7	GB	08/03/2000			
0017548.9	GB	07/18/2000			
0016517.5	GB	07/05/2000			
0012470.1	GB	05/24/2000			



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SR/028 attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(a) of any United States provisional application(s) listed below.

Application Number(s)

Filing Date (MM/DD/YYYY)



Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SR/028 attached hereto.

Type a plus sign (+) inside this box

WENMM SB/01 pg 2

DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 or any United States application(s), or 365(c) of any PCT international application designating the United States or America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

**U.S. Parent Application or PCT
Number**
**Parent Filing Date
(MM/DD/YYYY)**
**Parent Patent Number
(if applicable)**
☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

☐

Customer Number

OR

Place Customer
Number Bar Code
Label Here

☒

Registered practitioner(s) name/registration number listed below.

Name	Registration Number	Name	Registration Number
SEE ATTACHED SHEET			

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number Bar Code Label OR ☒ Correspondence address below

Name	John V. Moriarty						
Address	WOODARD EMMHARDT NAUGHTON MORIARTY & McNETT						
Address	111 Monument Circle, Suite 3700						
City	Indianapolis			State	IN	ZIP	46204
Country	US	Telephone	317/634-3456		Fax	317/637-7525	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐

A person has been filed for this unsigned inventor.

Given Name (first and middle (if any))				Family Name or Surname			
Robert				Kay			
Inventor's Signature	<i>Robert Kay</i>					Date	12/8/2001
Residence: City	Wilmslow	State	Cheshire	Country	Great Britain	Citizenship	British
Post Office Address	4 Prestbury Road						
Post Office Address							
City	Wilmslow	State	Cheshire	ZIP		Country	Great Britain

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Type a Plus sign (+) inside this box →

WENMM SB/02C (4/01)

DECLARATION**Registered Practitioner Information
(Supplemental Sheet)**

Name	Registration Number	Name	Registration Number
Harold R. Woodard	16,214		
C. David Emhardt	18,483		
Joseph A. Naughton, Jr.	19,814		
John V. Moriarty	26,207		
John C. McNett	25,533		
Thomas Q. Henry	28,309		
James M. Durlacher	28,840		
Charles R. Reeves	28,750		
Vincent O. Wagner	29,596		
Steve Zlatos	30,123		
Spiro Bereveskos	30,821		
William F. Bahret	31,087		
Clifford W. Browning	32,201		
R. Randall Frisk	32,221		
Daniel J. Lueders	32,581		
Kenneth A. Gandy	33,386		
Timothy N. Thomas	35,714		
Kerry P. Sisselman	37,237		
Kurt N. Jones	37,996		
John H. Allie	39,088		
Holiday W. Banta	40,311		
Troy J. Cole	35,102		
L. Scott Paynter	39,797		
Charles J. Meyer	41,996		
Matthew R. Schantz	40,800		
Gregory B. Coy	40,967		
Lisa A. Hiday	40,036		
John V. Daniluck	40,581		
Christopher A. Brown	41,642		
C. John Brannon	44,557		
Jason J. Schwartz	43,910		
Arthur J. Usher IV	41,359		
Douglas A. Collier	43,556		
Brad A. Schepers	45,431		
Scott J. Stevens	29,446		
James B. Myers	42,021		
John M. Bradshaw	46,573		
Charles P. Schmal	45,082		
Edward E. Sowers	36,015		
Quentin G. Cantrell	47,469		

Matter No. 500-2Initials: 5 ppa 1/2/01

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Serial No. 09/914 366Applicant: Robert Kay

Novelty Animated Device
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Receipt of the attached is
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(☒) Transmittal Form
(☒) Fee Transmittal

() Application
(☒) Check for \$65
() _____ sheets of drawing(s)
() Small Entity Declaration
(☒) Declaration & Power of Atty.
() Assignment
() Amendment
() Req. for Extension of Time
() Specimens
() Information Disclosure Statement
(☒) Resp. to Notice to File
() _____ Missing Parts
(☒) Copy of the Notif. of
Missing Pgs.

WOODARD, EMHARDT, NAUGHTON,
MORIARTY & McNETT
BANK ONE CENTER/TOWER
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INDIANAPOLIS, INDIANA 46204-5137

BANK ONE

BANK ONE, INDIANA, NA
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CHECK NO.

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27286

20-1740

CHECK DATE

12/27/01

CHECK AMOUNT

\$65.00

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WASHINGTON, D.C. 20231

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VOID AFTER 90 DAYS

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